

REMARKS

Claims 6 and 10 are rejected, under 35 U.S.C. § 102(e), as being anticipated by Baxley `806. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Baxley `806 relates to a process for encapsulating an object within a transparent material. The Baxley `806 process is concerned with a multi stage process where a molded component, making up about half the final product, is produced, the article is then placed on it and, thereafter, the remaining molding material is poured in place to encapsulate the article and complete the process. Baxley `806 is concerned with encapsulating an article to provide a decorative article. The present invention, on the other hand, is concerned with the provision of a fishing fin or flipper incorporating an article which is itself able to flex with the flipper. The method is directed to a single step molding process and does not have to be carried out in several stages as with the process of Baxley `806. It is respectfully submitted that newly proposed method claim 11 clearly distinguishes from Baxley `806.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, new independent claims 11 and 13 of this application now recite the features of "[a] method of manufacturing.....a swimming fin comprising the steps of: providing a mold conforming to the shape of the swimming fin, the mold serving to define one or more molding surfaces which are to be reproduced in a fin formed by means of the mold; mounting in the mold an article comprising a clear strip incorporating at least one of a device, a logo, a letter, a word or a combination thereof in such a way that the at least one device, logo, letter, word or combination thereof lies within the mold out of contact with the or each molding surface; injecting into the mold a supply of polymerizable material so as to immerse the article; and the polymerizable material, at least following polymerization, being flexible and transparent so providing, at least in part, a substantially transparent product; and withdrawing the product from the mold following polymerization." New claim 15 now recite the features of "providing a pair of molds conforming to the shape of the swimming fin to be molded with the pair of molds

each defining at least one molding surface for being reproduced in a swimming fin formed by the pair of molds, and at least one of the pair of molds having a pair of opposed alignment jaws; providing a clear acrylic strip article with at least one of a device, a logo, a letter, or combination thereof; mounting the clear acrylic strip article such that the at least the device, logo, letter, word or combination thereof lies substantially within a plane defined by the pair of molds with an intermediate portion of the clear acrylic strip article suspended between the pair of opposed alignment jaws out of contact with the at least one molding surface of each of the pair of molds and the clear acrylic strip article lying within the plane defined by the pair of molds; selecting a polymerizable material which, following polymerization, remains flexible and transparent so to provide, at least in part, a substantially transparent molded swimming fin; injecting a supply of the polymerizable material into the mold and allowing the polymerizable material to surround the clear acrylic strip article and polymerize; and withdrawing the swimming fin from the mold following polymerization with the integrally molded within the swimming fin." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Claims 7-9 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Graham et al. '140 in view of Bisconti '254. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Examiner notes that the above identified application names two inventors and effectively raises the question as to whether the claims were and are commonly owned. The Applicant hereby confirms that the inventors are a married couple which jointly developed the presently claimed invention.

With respect to Graham et al. '140 and Bisconti '254, both of these citations are concerned with injection molding of soles (being part of article of footwear).

Graham et al. '140 provides for the manufacture of a sole unit for footwear made up of a core (typically of ethylene-vinyl acetate polymer) embedded in a shell (typically of polyurethane). This is a multi stage process. It involves mounting the core in a mold

(see Fig. 8) by means of a plurality of pins which serve to distance the core from the mold walls. The space around the core is then filled with polyurethane. Following polymerization, the combined core and shell are removed for incorporation with uppers to form footwear. Graham et al. '140 is not concerned with, and does not suggest, a method for one shot production of a transparent flexible swimming fin which has images located within it as with the presently claimed invention.

Bisconti '254 provides for the manufacture of a sole with colored treading surface. Bisconti '254 requires the use of a relatively complex mold and of EVA compounds mentioned earlier in connection with Graham et al. '140. Bisconti '254 is not concerned with, and does not suggest, a method for one shot production of a transparent flexible swimming fin which has images located within it. It is believed that the newly proposed claims do not embrace the concepts proposed by Graham et al. '140 and/or Bisconti '254.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Baxley '806, Graham et al. '140 and/or Bisconti '254 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.


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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

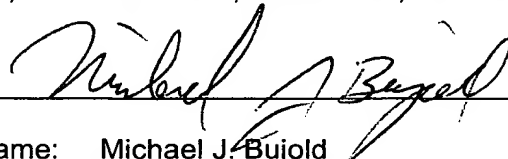
Respectfully submitted,


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December 19, 2003.

By: _____



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